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THE

INTERIM

A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

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JANUARY 1984

VOL. IV, NO. 7

JAN - 4 1984

MONTANA CODE ANNOTATED INDEX

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SPECIAL SESSION

PAMPHLETS
COMING SOON

Special Session pamphlets for Session Laws, Code Update, and House and Senate Journals will be available later this month.

CAPITOL BUILDING AND PLANNING COMMITTEE

EXTERIOR WORK
TO PROCEED

The Capitol Building and Planning Committee has recommended that the Department of Administration modify and put out to bid a plan for the exterior work of the Capitol building. This exterior work should be completed by the 1985 Legislative Session. Between now and the end of the year the committee will meet again to redefine the interior work of the Capitol building.

REVENUE OVERSIGHT COMMITTEE

MEETING IN
SUPREME COURT ROOM

The Revenue Oversight Committee will meet in the old Supreme Court room in the Capitol at Helena Jan. 13 and 14 beginning at 9:30 a.m. on the 13th and 8 a.m. on the 14th. The agenda for the meeting includes reports on the following: rules and litigation by the Department of Revenue, including a

report on the status of agricultural valuation; discussion of special and rural special improvement district refunding bonds and a possible gasohol study; and staff report on tax credits, deductions, and exemption and the classification of property for taxation purposes.

INTERIM SUBCOMMITTEE ON AGRICULTURAL LAND TAXATION

ALTERNATIVES REVIEWED

The interim Subcommittee on Agricultural Land Taxation met Dec. 9 and 10 in Helena to continue its study of agricultural lands classification, valuation and taxes. After attending the Revenue Oversight Committee's seminar on property classification on December 9, the Subcommittee members reviewed alternatives prepared by the Department of Revenue for valuing agricultural lands. The Subcommittee also reviewed two staff reports on the alternatives. Dr. Layton Thompson, formerly with Montana State University and now retired, briefed the Subcommittee on how ag lands valuations were determined in the early 1960's, the last time the valuations were done.

TENTATIVE MEETING DATE, JAN. 27-28

The Subcommittee took the information under review and agreed to meet in January. Chairman Elmer Severson has tentatively scheduled the next meeting for Jan. 27 and 28, 1984.

INTERIM COMMITTEE NO. 2

POSTPONED MEETING RESET, JAN. 13-14

Interim Joint Subcommittee No. 2 will meet Friday and Saturday, Jan. 13 and 14, to conduct business originally scheduled for Dec. 8 but postponed because of the special session.

NAVIGABILITY DISCUSSIONS

The meeting on Friday, Jan. 13, will begin at 9 a.m. in Room 108 of the Capitol and will focus on HJR 36 (navigability) and will consist of reports from Anne Brodsky, staff researcher, and Brenda Desmond, staff attorney, on uses of the term "navigability" in different contexts, summaries of leading cases on the subject, and summaries of the

arguments being used by the parties in the case of Dennis Michael Curran v. Montana Coalition for Stream Access.

SUPREME COURT
WILL HEAR CASE

The Montana Supreme Court will hear oral arguments on that case at 1:30 p.m. and the subcommittee will attend the court's session. The subcommittee will reconvene after the hearing to discuss its work in relation to the Dearborn and Beaverhead cases and to hear a report from the Department of State Lands on the department's position with regard to the classification of waterways for purposes of identifying state streambed ownership. Gary Williams, a consultant to the U.S. Army Corps of Engineers in river navigation studies, will speak to the committee about his experiences in conducting the studies and the purposes for which they were conducted.

PRIVATE GROUP,
FOREST ECONOMIST
TO GIVE TALKS

In room 104 of the Capitol at 9 a.m. Saturday, Jan. 14, the subcommittee will take up the state lands study (HJR 40), and the agenda will include:

A presentation moderated by Robert N. Helding, executive director of the Montana Forest Product Association, and featuring lumber company representatives who will explain their relationships with the Department of State Lands and the Division of Forestry. Also to be discussed are reforestation on private lands, nursery projects, seed tree genetics, and other subjects in forest management.

A discussion by Dave Jackson, forest economist at the School of Forestry, University of Montana, on the management of state forest trust lands. He will touch on the financial criteria for funding timber investments and the resulting harvest levels on state trust lands and land tenure arrangements to best achieve the

constitutionally decreed trust responsibilities.

INTERIM COMMITTEE NO. 3

JANUARY 12-13
DATES FOR MEETING

Joint Interim Subcommittee No. 3 will meet for the second time on Jan. 12 and 13, 1984, at 9 a.m. in room 104 of the State Capitol, Helena. The tentative agenda for Thursday, Jan. 12, includes the following court unification topics (SJR 25): a staff review of the structure, function, and funding of the present Montana court system; a staff report on legal issues surrounding legislative authority to unify courts; an overview of court unification issues by Dr. Carl Baar, nationally-recognized expert on court systems. Dr. Baar's presentation before the Subcommittee will be sponsored by the Montana Bar Association. The agenda for Friday, January 13, will include: for insurance laws (HJR 29), a staff update on the status of unisex insurance with regard to federal legislation and the courts; also HJR 29, a report on enforcement of Montana's mandatory motor vehicle liability laws by Larry Majerus, Administrator, Motor Vehicle Division, Department of Justice; and for state investments (HJR 4), a staff report on the operations of the State Board of Investments.

INTERIM COMMITTEE NO. 4

TEACHER TENURE
STILL ON AGENDA

Joint Interim Subcommittee No. 4 met Friday and Saturday Dec. 9 and 10 to make final revisions on the veterans' and handicapped persons' preference bill to be offered to the Special Session of the Legislature on Dec. 12. The Subcommittee had developed the major provisions of the proposed preference legislation after an extensive public hearing in the State Capitol on Nov. 18, 1983. Joint Interim Subcommittee No. 4 will schedule a meeting early in 1984 to begin addressing the issue of teacher tenure (HJR 43).

LEGISLATIVE AUDIT COMMITTEE

LEGISLATIVE AUDIT COMMITTEE MEETING

The Legislative Audit Committee will meet Feb. 6 and 7, 1984, at 9 a.m. in the State Capitol.

The Committee will receive and review various contract and financial/compliance audit reports and preference audit surveys.

REPORTS AVAILABLE

Copies of all reports are available from the Office of the Legislative Auditor, Room 135, State Capitol, telephone 444-3122, after being presented to the Legislative Audit Committee.

COAL TAX OVERSIGHT SUBCOMMITTEE

SEVERANCE TAX REVIEW SET JANUARY 19

A review of Montana's coal severance tax will be the topic at the meeting of the Coal Tax Oversight Subcommittee on Thursday, Jan. 19. The meeting will open at 8:30 a.m. in the old Supreme Court Room in the Capitol. The morning's agenda will consist of a presentation on behalf of mining companies, utility companies, and coal purchasers, arranged by Jim Mockler of the Coal Council, and a discussion of the transportation of coal by John H. Hertog, senior vice president, operations, Burlington Northern. The afternoon session will open at 1:15 p.m. with the governor's office outlining the state's defense of the coal severance tax and arguing for maintaining the tax in its present form. Time will be offered on the afternoon agenda for other persons or organizations who wish to present opinions about the coal severance tax.

AGENCY REPORTS SET JAN. 20

On Friday, Jan. 20, the Subcommittee will convene in room 104 of the Capitol to hear reports from various agencies on their use of coal severance tax funds. Invited to make reports are the Board of Regents, the Office of Public Instruction, the Montana Arts Council, the Department of Commerce, and the Department of Natural Resources and Conservation on the use of Resource Indemnity Trust Tax funds.

INTERIM POWER PLAN STUDY COMMITTEE

POWER PLANNING COUNCIL ASSISTS

The Montana Northwest Power Planning Council is assisting the Legislative Interim Power Plan Study Committee established by HJR 18 in its review of issues surrounding the implementation of the Northwest Conservation and Electric Power Plan in Montana. During the next few months the Committee will conduct a series of public meetings throughout the state focussing on two key elements of the Plan, model conservation standards and resource options.

MEETING IN GREAT FALLS

The Committee will meet on Jan. 18 and 19 in Great Falls to consider the Plan's Model Standards for energy efficiency in new homes and commercial buildings. The January agenda items include a review of the energy provisions of Montana's existing building code, an explanation of the economic and energy analysis supporting the Plan's Model Standards, and public comment.

SESSION IN HELENA

The Committee will meet Feb. 15 and 16 in Helena to continue its study of the Plan's Model Conservation Standards. February agenda topics tentatively include areas of controversy or unresolved issues concerning the Model Standards, BPA programs to support the adoption and implementation of the standards in Montana.

The Interim Committee is encouraging participation by both the public and other members of the Legislature during the meetings.

RESOURCE OPTION

The resource option concept is designed to allow the region to place new electricity resources "on the shelf" so they can be deployed to meet load growth in a quicker, more flexible manner. The Committee will study resource options in relation to the Montana Major Facility Siting Act.

The Committee plans meetings in several Montana communities to allow extensive public involvement in its work before

developing legislation for proposal in the next Legislature.

More information may be obtained from the Office of the Northwest Power Planning Council, Capitol Station, Helena, 59620, Phone 444-3952.

ENVIRONMENTAL QUALITY COUNCIL

WATER MARKETING COMMITTEE HEARS REPORTS

The Select Committee on Water Marketing met Dec. 2 to hear from representatives of the Bureau of Reclamation, the Missouri Basin States Association, and the Department of Natural Resources and Conservation. The presentations and resulting discussion were concerned with water availability and water management, primarily in the Missouri River Basin. The committee plans to meet again in late January to focus on the important legal issues relative to the water marketing study.

HAZARDOUS WASTE MANAGEMENT PROGRAM REVIEWED

The Environmental Quality Council and its subcommittees met in Helena Dec. 15-16. The subcommittee on Toxic Substances reviewed the state hazardous waste management program and the progress of Superfund cleanup activities at Milltown and four other Montana sites. The subcommittee also heard a presentation on biological weed control by Dr. Jim Story of the Western Agricultural Research Center at Corvallis. The proposed January meeting of the Toxic Substances Subcommittee will focus on pesticide management.

ACID RAIN ISSUE REVIEWED

The Water Oversight Subcommittee met briefly and identified several issues for consideration during the remainder of the interim. Staff was directed to review information on acid precipitation in Montana and on current efforts to develop a data collection system for the state's water resources. Plans were also discussed for monitoring the implementation of the water rights adjudication program.

HEALTH DIRECTOR DISCUSSES

At the full EQC meeting, DHES Director John Drynan discussed the status of the

SUBDIVISIONS

subdivision review within the department. Council members expressed interest in more comprehensive analysis of subdivision impacts, particularly the potential for groundwater pollution. Steve Pilcher of the Water Quality Bureau then discussed the permit application by Champion International for year-round discharge of pulp mill wastewater into the Clark Fork River near Missoula. EQC members questioned Pilcher at length about the bureau's environmental review procedures and about the need for additional information before reaching a decision on the discharge permit.

LATE JANUARY
MEETING PLANNED

Because of the scheduling of the special legislative session, several items on the EQC agenda could not be covered, including a review of the environmental assessment program of the Department of State Lands and a discussion of the proposal by BPA to transmit surplus power from the Midwest to the West Coast across Montana. These and other items will be covered at the next EQC meeting, tentatively scheduled for late January. Details for this meeting and of the EQC subcommittee meetings will be presented in the next issue of "EQC Comments".

LEGISLATIVE INTERIM CALENDAR

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1 NEW YEAR'S DAY	2	HOLIDAY	3	4	5	6
8	9	10	11	12 Subcomm. 1- rm. 108-8am SUBCOMM. #3 - rm. 104-9am	13 Subcomm. 3- rm. 104-2 pm REVENUE OWNERS CHT COMM. - Old Supreme Crt. 9:30am	14
				1 SUBCOMMITTEE Pm. 102-9am	2 - Pm. 104-9am	
15	16	17	18	19 COAL TAX OVERSIGHT SUBCOMM. Supreme Crt. 8:30am	20 21	
22	23	24	25	26	27 AG. LAND TAX MM. - Tentative 9:30 am - pm	28 104-9am
29	30	31				

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